

Message Text

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SUBJECT: HUMAN RIGHTS IN CAE

REF: STATE 14518, BANGUI A-16 (76) AND BANGUI A-004

FOLLOWING ARE REPLIES TO REFTEL QUESTIONS ABOUT HUMAN RIGHTS
SITUATION IN CAE, UPDATING INFORMATION IN BANGUI A-16.

1. POLITICAL SITUATION: A CONSTITUTIONAL MONARCHY WAS ESTABLISHED
DECEMBER 4 WITH THE NAMING OF PRESIDENT BOKASSA AS EMPEROR AND
THE PROMULGATION OF A NEW CONSTITUTION. THE CONSTITUTION REIN-
STITUTES A NATIONAL ASSEMBLY, WHICH WAS ABOLISHED WHEN BOKASSA
TOOK POWER IN 1966. THE ASSEMBLY, (NOT YET ELECTED), THE EXECUTIVE
AND THE JUDICIARY ARE SEPARATE BRANCHES OF GOVERNMENT, WITH THE
EMPEROR RETAINING FINAL AUTHORITY. THE COUNTRY CONTINUES TO HAVE
A SINGLE POLITICAL PARTY, TO WHICH ALL CITIZENS ARE EXPECTED TO
BELONG. IT IS HEADED BY THE EMPEROR. (SEE A-4 FOR DETAILS.)

2. A. LEGAL RIGHTS: THE NEW CONSTITUTION INCLUDES A "BILL OF RIGHTS"
WHICH PROCLAIMS THE ATTACHMENT OF THE CENTRAL AFRICAN PEOPLE
TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. SPECIFICALLY
MENTIONED ARE: RIGHT TO LIFE AND BODILY INTEGRITY; RIGHT TO
PERSONAL DEVELOPMENT PROVIDED OTHER RIGHTS ARE NOT VIOLATED
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PAGE 02 BANGUI 00146 251236Z

NOR THE CONSTITUTIONAL ORDER INFRINGED; RIGHT OF DEFENSE AT TRIAL;
FREEDOM FROM EX POST FACTO LAWS; RIGHT OF ACCESS TO KNOWLEDGE;
RIGHT OF PERSONS, RELIGIOUS ORDERS AND LEGAL ASSOCIATIONS TO FOUND
PRIVATE SCHOOLS; RIGHT OF ASSOCIATION; RIGHT TO SECRECY OF CORRES-
PONDENCE AND OF COMMUNICATION BY POST, TELEPHONE AND TELEGRAPH;
RIGHT TO PROPERTY AND INVIOABILITY OF A PERSON'S DOMICILE. NO ONE
CAN BE WRONGED IN HIS WORK BY REASON OF ORIGIN, SEX, BELIEFS OR

OPINIONS. LIBERTY IS INVIOABLE AND CAN ONLY BE LIMITED BY LAW. RESTRICTIONS CAN ONLY BE IMPOSED ON SECRECY OF CORRESPONDENCE "IN ACCORDANCE WITH LAW." THE EMPEROR CAN DECLARE A STATE OF SIEGE FOR UP TO 30 DAYS WITHOUT THE ASSEMBLY'S APPROVAL AND CAN "TAKE THE MEASURES REQUIRED BY CIRCUMSTANCES," AFTER INFORMING THE NATIONAL ASSEMBLY, UNDER CERTAIN CONDITIONS. THERE IS NO STATE OF SIEGE IN EXISTENCE, NOR HAS THE EMPEROR ANNOUNCED THE EXISTENCE OF THE OTHER CONDITIONS GIVING HIM SPECIAL POWERS.

B. POLITICAL PRISONERS: THE EMBASSY HAS NO WAY OF KNOWING THE NUMBER OF POLITICAL PRISONERS OR DETAINEES. THE GENERAL AMNESTY DECLARED AFTER BOKASSA BECAME EMPEROR SPECIFICALLY EXCLUDED THOSE CHARGED WITH CRIMES AGAINST THE SECURITY OF THE STATE. HOWEVER, IT WAS CLEAR THAT VIRTUALLY NO PRISONERS WERE LEFT IN THE REGULAR PRISONS IMMEDIATELY AFTER THIS AMNESTY. (PRISON LABOR DISAPPEARED, AND THERE WERE NO LONGER FAMILIES BRINGING FOOD TO THE PRISONERS.) ALSO, MOST OR ALL OF THOSE DETAINED IN CONNECTION WITH AN ALLEGED COUP ATTEMPT IN LATE NOVEMBER WERE RELEASED. HOWEVER, WE ASSUME THAT THERE ARE STILL AT LEAST SOME POLITICAL PRISONERS OR DETAINEES. ONE FORMER PRIME MINISTER IS STILL UNDER HOUSE ARREST. ON THE OTHER HAND, THE PRESIDENT WHOM BOKASSA OVERTHREW WHEN HE CAME TO POWER IN 1966 HAS BEEN BROUGHT BACK AS AN ADVISER TO THE HEAD OF STATE.

3. A. THE CONSTITUTIONAL MONARCHY IS TOO YOUNG FOR US TO KNOW WHAT PRACTICE WILL BE ON RIGHTS INVOLVING INTEGRITY OF THE PERSON. BOKASSA MADE HEADLINES UP TO 1972 FOR BRUTAL TREATMENT OF POLITICAL OPPONENTS AND OTHER PRISONERS. THERE HAVE BEEN NO PUBLIC INCIDENTS OF THAT TYPE SINCE THEN. ONE OF BOKASSA'S FIRST ACTS AS EMPEROR LIMITED OFFICIAL USE

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PAGE 03 BANGUI 00146 251236Z

WAS TO RESCIND THE DECREE IMPOSING HARSH PUNISHMENTS FOR THEFT. THE POLICE PROBABLY WILL CONTINUE TO USE BEATINGS TO EXTRACT INFORMATION, BUT FEW DETAILS ARE AVAILABLE. ARBITRARY ARREST AND DETENTION CONTINUED UP UNTIL THE PROCLAMATION OF THE EMPIRE AND MAY WELL CONTINUE IN THE FUTURE.

B. THE CENTRAL AFRICAN RECORD ON OTHER RIGHTS WAS ALREADY FAIRLY GOOD UNDER THE REPUBLIC, AND THIS SITUATION WAS MADE EXPLICIT UNDER THE CONSTITUTION, WITH ITS PROVISIONS FOR FREEDOM OF ASSOCIATION, RELIGION, PROPERTY AND COMMUNICATION. RELIGIOUS MINORITIES ARE NOT PERSECUTED, AS LONG AS THEY PERMIT MEMBERSHIP IN THE COUNTRY'S SOLE POLITICAL PARTY, AND ALL RELIGIOUS GROUPS ARE NOW FREE TO OPERATE THEIR OWN SCHOOLS. BOKASSA HAD MADE A DEFINITE EFFORT TO BRING WOMEN INTO THE GOVERNMENT AND PARTY. ALTHOUGH THERE ARE SECURITY CHECKS FOR TRAVELERS, THERE ARE NO REAL LIMITATIONS ON MOVEMENT WITHIN THE COUNTRY.

4. MOST HUMAN RIGHTS REPORTING ON THE COUNTRY DATE FROM THE EXCESSES OF 1972 AND BEFORE. WE UNDERSTAND THAT AMNESTY INTERNATIONAL

REPORTED IN NOVEMBER 1976 THAT TWO CAR TRADE UNION LEADERS WERE
STILL DETAINED.
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